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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,066	01/15/2002	David Tye	021878.0002US1	2831

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EXAMINER

CHIN, PAUL T

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,066

Applicant(s)

TYE, DAVID

Examiner

PAUL T. CHIN

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: “202” (frame). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “pressure sensor” (Claims 4,10,12), “interface” (claims 2,9), and “a motorized base” (claims 3,6,7,11, and 15), must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities: it appears that on page 2, line 6, that the filing date “20” should be -- 10 --; on page 6, line 20, the reference number “204” should be -- 206 -- (plate); on page 7, line 21, the reference number “310” should

Art Unit: 3652

be -- 308 -- (first platform); and on page 8, line 20, the reference number "306" should be -- 307 -- (rack). Appropriate correction is required.

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 3,4,6,7,11-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The exact meanings of the claimed language "*a motorized base*" (claims 3,6,7,11, and 15) are not clearly understood as to whether the "motorized" refers to "a drive" (222,226) or "other structural elements". The word "motor" is not found in the specification. Applicant describes "the drive (222) that can be powered with any convenient manner: electrical, hydraulic, and pneumatic" (see paragraph 14).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

Art Unit: 3652

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 5-7 and 11-17, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Grams et al. (6,371,717).

Grams et al. (6,371,717) discloses a plurality of water bottle gripping and loading device, comprising a frame (80,90); a first set of gripping heads (140,140) mounted on the frame; a plurality of shoulder pads (146,146) surrounding each of the gripping heads (see Figs. 4-6); and a second set of gripping heads (140,140) (see Fig. 2) adjacent to the first set of gripping heads having a base (see Figs. 5a and 5b) and a plurality of claws (142,142) (Fig. 5a) mounted on the base wherein the claws are controlled by the robotic control system (16) (Col 7, lines 47-53).

Re claims 10 and 12, Grams et al.' gripping and loading device (6,371,717) further shows sensors on the mechanism (140) for sensing (see Col 7, lines 47-53).

10. Claims 1,5-7,8,11, and 13-18, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Tolsma (2,924,484).

Tolsma (2,924,484) discloses a gripping and loading device and method, comprising a frame having a first (1) and a second (14) parallel elongated support structure; a first set of gripping heads (31,31) (Fig. 3) mounted on the first support structure; a plurality of shoulder pads (33,33) (Fig. 3) adjacent the first gripping head; a plurality of substantially extendable and pivotal arms (2,2) mounted on the second support structure; and a second set of gripping heads (20,20) mounted on an end of the extendable arms; a base (36,40); and a plurality of claws (34,34) (Figs. 6 and 7) mounted on the base; and a method for

Art Unit: 3652

loading and unloading a plurality of barrels. Tolsma's gripping and loading device and method (2,924,484) contains all the structural elements while the intended use (i.e. loading and unloading bottles) is not patentably significant.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2,3, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tolsma (2,924,484).

Tolsma's gripping and loading device and method (2,924,484), as presented in section 10 above, does not show *an interface* for connecting the device to *an automated system*.

However, it would have been an obvious to one skilled on the art to provide *an interface* (instead of using a sling and crane) on the Tolsma's gripping and loading device in order to lift and move the device automatically.

13. Claims 4,10, and 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tolsma (2,924,484) in view of Grams et al. (6,371,717).

Tolsma's gripping and loading device and method (2,924,484), as presented in section 10 above, does not show *a sensor* for sensing the gripping.

Grams et al.' gripping and loading device (6,371,717), as presented in section 9 above, shows sensors on the mechanism (140) for sensing (see Col 7, lines 47-53).

Art Unit: 3652

Accordingly, it would have been an obvious to one of the ordinary skill in the art at the time the invention was made to provide *sensors* on the gripping pads of Tolsma as taught by Grams et al. in order to sense the gripping of the claws to the object gripped.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Burcham et al. (5,471,738) shows a robotic system for gripping objects.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (703) 305-1524. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (703) 308-3248. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-1113.



PAUL T. CHIN
Examiner
Art Unit 3652

PTC
September 24, 2003